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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,284	12/04/2003	Jin Degen	15865.23a.1	7155
22913	7590	03/28/2006		
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER AYRES, TIMOTHY MICHAEL	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,284	<b>Applicant(s)</b> DEGEN ET AL.	
	<b>Examiner</b> Timothy M. Ayres	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The body of the first connecting member is not originally disclosed to have a hollow interior portion formed during the blow-molding process.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

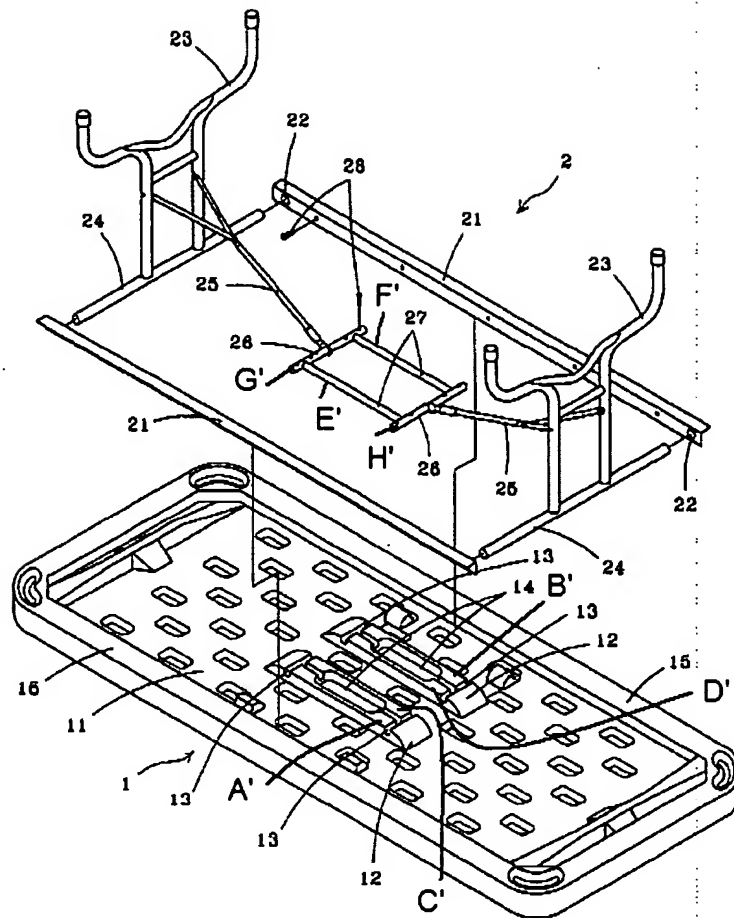
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 6, 7, 9, 12-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 2003/0233967 to Lin. In the embodiment in figure

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1 and 2 Lin teaches a table with a table top (1). The table top (1) has a top surface and a bottom surface. A frame structure (2) is made of metal. A mounting structure (12) is centrally disposed on the bottom surface. The mounting structure (12) includes a first connecting member (A') and a second connecting member (B'). A first and second leg assembly (23,24) is attached to the table top. A first support assembly (25) is attached to the first leg assembly (23,24) and to a first connecting rod (G'). The first connecting rod (G') is connected to the first and second connecting member (A', B') and second connecting rod (H') is also connected to the first and second connecting member (A', B'). A second leg assembly (23,24) has a second support assembly (25) connecting to the second connecting rod (H'). A first handle (E') is attached to the inner side of the first connecting member (A') and the first connecting member has a c-shape with the middle space (14) allowing for a person to place their fingers around the handle (E'). The handle (E') is considered spaced apart from the connecting rods (26) since the handle (E') is only received by a person's hand at the space (14) and the ends of the c-shaped first connecting member (A') act to space apart the handle (E') from the connecting rod (26). The handle (E') is formed discretely or from a separate piece than the first connecting member (A'). A second handle (F') is attached to the inner side of the second connecting member (B') and disposed between the first and second connecting rod (26).

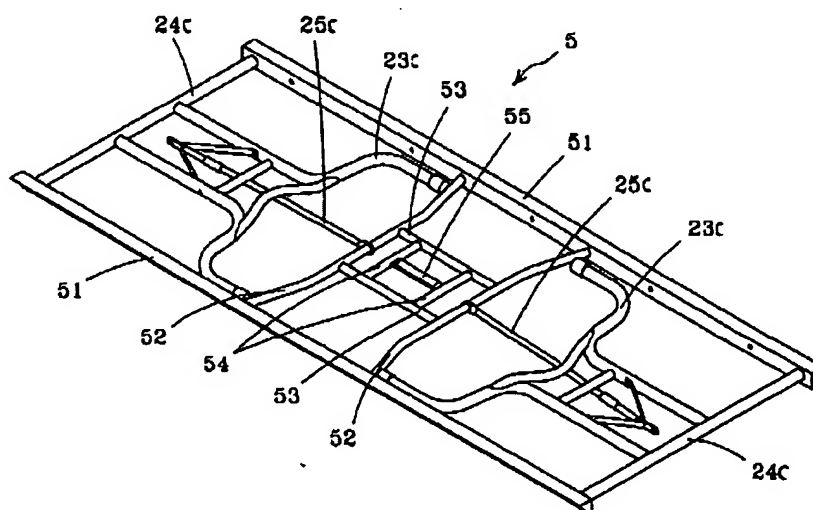


Lin '967 Figure 1

5. Claims 1, 2, 4-6, 12-17, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publications 2003/0233967 to Lin. In the embodiment in figure 6 Lin teaches a table with a table top (1). The table top (1) has a top surface and a bottom surface. Figure 6 teaches an alternative frame structure (5) made of metal to substitute the frame structure (2) of figure 1 and 2. A mounting structure (12) is centrally disposed on the bottom surface. The mounting structure (12) includes a first connecting member (A') and a second connecting member (B'). A first and second leg

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assembly (23c,24c) is attached to the table top. A first support assembly (25c) is attached to the first leg assembly (23c,24c) and to a first connecting rod (52). The first connecting rod (52) is connected to the first and second connecting member (A', B') and second connecting rod (52) is also connected to the first and second connecting member (A', B'). A second leg assembly (23c,24c) has a second support assembly (25c) connecting to the second connecting rod (52). A handle has a handle portion (55) that is attached to the inner side of the first connecting member (A') and inner side of the second connecting member (B') via the connecting portion (54). A space is below the handle portion (55) to allow a person to place their fingers around the handle portion (55). The handle (55,54) is formed separately from the connecting members (A', B'). The connecting portion (54) and the handle portion (55) is formed from two pieces of metal welded together making them formed discretely. The connecting members (A', B') are formed integrally formed with the table top (1). The table top (1) is made of plastics by blow molding method, which means that it has a hollow interior.



Lin '967 Figure 6

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publications 2003/0233967 to Lin. The embodiment in figure 1 Lin discloses every element as claimed and discussed above except third and fourth connecting members. It would have been obvious matter of design choice to modify Lin '967 by having the first and second connecting members split into two to make a third and fourth connecting members, since the applicant has not disclosed that having more than two connecting members solves any stated problem or is for any particular purpose and it appears that the structure would perform equally as well with just two connecting members.

8. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publications 2003/0233967 to Lin. The embodiment in figure 6 Lin discloses every element as claimed and discussed above except the connecting portion being angled L-iron and third and fourth connecting members.

9. Regarding claim 3, Lin teaches using angled L-iron for elongated plates (21) to support the table top (1) and located and attached to the outer edge of the bottom of the

table top (1). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the table of Lin by replacing the connecting portion (54) with angled L-iron as taught by Lin to reinforce the handle portion (55) (Lin '967, Page 1, paragraphs 4-9).

10. Regarding claim 11, It would have been obvious matter of design choice to modify Lin '967 by having the first and second connecting members split into two to make a third and fourth connecting members, since the applicant has not disclosed that having more than two connecting members solves any stated problem or is for any particular purpose and it appears that the structure would perform equally as well with just two connecting members.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-7, 9, and 11-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not



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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/23/06



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